



General Assembly

February Session, 2008

Amendment

LCO No. 6095

SB0052406095SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. GAFFEY, 13th Dist.
SEN. HANDLEY, 4th Dist.

SEN. MCDONALD, 27th Dist.
SEN. STILLMAN, 20th Dist.
SEN. COLAPIETRO, 31st Dist.

To: Senate Bill No. 524

File No. 137

Cal. No. 119

**"AN ACT CONCERNING CONSUMER SAFETY AND PRODUCT
RECALLS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2009*) (a) As used in this section:

4 (1) "Class I recall" means a food recall issued in accordance with the
5 guidelines of the Food Safety and Inspection Service within the United
6 States Department of Agriculture that involves a health hazard in
7 which there is a reasonable probability that eating the food product
8 will cause health problems or death;

9 (2) "Class II recall" means a food recall issued in accordance with the
10 guidelines of the Food Safety and Inspection Service within the United
11 States Department of Agriculture that involves a potential health
12 hazard situation in which there is a remote probability of adverse

13 health consequences from eating the food product;

14 (3) "Customer" means any person, firm, company or other legal
15 entity that buys meat or poultry products from a meat or poultry
16 supplier, distributor, broker, manufacturer or processor;

17 (4) "Meat" means "meat food product" as defined in 21 USC 601 (j),
18 as from time to time amended;

19 (5) "Poultry" means "poultry product" as defined in 21 USC 453 (f),
20 as from time to time amended; and

21 (6) "Retailer" means any person who sells meat or poultry products
22 used primarily for personal, family or household purposes to any
23 person who is not in the business of reselling such goods but does not
24 include an eating establishment as defined in section 12-412 of the 2008
25 supplement to the general statutes.

26 (b) A meat or poultry supplier, distributor, broker, manufacturer or
27 processor that sells to customers in this state meat or poultry products
28 that are subject to a Class I or Class II recall shall immediately notify
29 the Department of Consumer Protection and the Department of Public
30 Health of such Class I or Class II recall and shall provide said
31 departments with a list of all customers in the state that received or
32 will receive any meat or poultry products subject to such recall. The
33 list of customers provided to said departments shall include the
34 following information: (1) The customer's name, address, telephone
35 number, facsimile number and e-mail address; (2) the name of
36 customer's designated contact person; (3) all pertinent identifying
37 product codes, including establishment numbers, package codes and
38 packing date lot numbers; (4) the date or dates that meat or poultry
39 products were delivered in the state or will be delivered in the state;
40 (5) the quantity of meat or poultry products delivered or that will be
41 delivered in the state; and (6) any other information that said
42 departments deem relevant to the product recall. Such information
43 shall be electronically submitted to said departments in a format
44 prescribed by the Department of Consumer Protection. A meat or

45 poultry supplier, distributor, broker, manufacturer or processor shall
46 also provide contemporaneous notification to each customer that
47 received or may receive a meat or poultry product that is subject to
48 recall in a form and manner prescribed by the Department of
49 Consumer Protection. A meat or poultry supplier, distributor, broker,
50 manufacturer or processor shall document any customer notification
51 provided pursuant to the requirements of this section. Such
52 documentation shall minimally include the name of the customer
53 notified, the date and time of notification and the method of providing
54 notification. Documentation of any notification provided shall be
55 maintained by the meat or poultry supplier, distributor, broker,
56 manufacturer or processor for three years following the date of
57 notification and shall be provided to the Department of Consumer
58 Protection upon request.

59 (c) The Department of Consumer Protection, upon receiving
60 information required pursuant to subsection (b) of this section
61 concerning a Class I or Class II meat or poultry recall, shall, as soon as
62 practicable and within available appropriations, take such action as the
63 department deems necessary to: (1) Ensure that customers who
64 received or may receive meat or poultry products subject to any Class I
65 or Class II recall do not sell, resell or donate such products; (2) provide
66 the public with detailed and factually accurate notice of any Class I or
67 Class II meat or poultry product recall; and (3) require any retailer that
68 made available to the public a product that is subject to a Class I or
69 Class II meat or poultry recall to post in a conspicuous location a
70 warning for the benefit of the public in a format and manner
71 prescribed by the department. The requirements of this subsection
72 shall not preclude a retailer from offering additional, factually accurate
73 notice of any Class I or Class II meat or poultry product recall through
74 other methods, including, but not limited to, a retailer's web site, press
75 release or electronic or other notification provided to a consumer
76 through use of a discount card or device, as defined in section 42-371
77 of the general statutes.

78 (d) The Department of Public Health, upon receiving the

79 information required pursuant to subdivision (b) of this section, shall
 80 use its best efforts to as soon as practicable notify a health district or
 81 municipal health department of any customer located in such health
 82 district or the municipality that was identified as having received, or
 83 that may receive, a meat or poultry product that is subject to recall.
 84 Notification provided by the department to a health district or
 85 municipal health department shall include all information that the
 86 department deems relevant concerning the recalled product.

87 (e) The Commissioner of Consumer Protection, in consultation with
 88 the Commissioner of Public Health, shall adopt regulations, in
 89 accordance with chapter 54 of the general statutes, to carry out the
 90 provisions of this section. Regulations adopted by the Commissioner
 91 of Consumer Protection shall conform, so far as practicable, to
 92 regulations, standards or directives promulgated under authority of
 93 the federal Meat Inspection Act or the federal Poultry Inspection Act.
 94 Such regulations shall, at a minimum, prescribe penalties for
 95 noncompliance with the reporting requirements set forth in subsection
 96 (b) of this section, and establish the format, manner and durational
 97 requirements concerning the posted warnings set forth in subsection
 98 (c) of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	New section